

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JANE DOE by and through her next friend C.M.; ANNA
DOE by and through her next friend S.S.; MARIA DOE by
and through her next friend C.C.; and LISA DOE,

Plaintiffs,

-against-

RICHARD A. CARRANZA in his official capacity as
Chancellor of the New York City Department of Education;
the NEW YORK CITY DEPARTMENT OF EDUCATION;
and the CITY OF NEW YORK,

Defendants.

19-CV-2514 (SJB)

STIPULATION

WHEREAS Plaintiffs, JANE DOE by and through her next friend C.M., ANNA DOE by and through her next friend S.S., MARIA DOE by and through her next friend C.C., and LISA DOE (“Plaintiffs”), have fully resolved the substantive claims in this case via Stipulation and Order of Settlement dated September 20, 2021 (ECF No. 61) (“Stipulation”); and

WHEREAS to date, there have been no disputes between the parties regarding Defendants’ compliance with the terms of the Stipulation;

WHEREAS Plaintiffs and Defendant (collectively, the “Parties”) now desire to resolve the issues of attorneys’ fees and related costs;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the Parties, through the undersigned, as follows:

1. The agreement resolves all fees and costs due or which became due under the Stipulation, except for any fees and costs related to any dispute that may arise—postdating the execution of this stipulation—resulting in a finding by the Court of non-compliance as defined by paragraphs 71, 72, and 77 of the Stipulation.

2. The City of New York shall pay SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$750,000.00) in full satisfaction of all claims for attorneys' fees, costs, and expenses, incurred or accrued in connection with the instant federal action to date.

3. Payment of the amount specified in paragraph "2" will be made by checks payable (a) in the amount of \$550,000.00 to "Legal Services NYC," and mailed to Plaintiffs' attorneys, Legal Services NYC, c/o Christopher D. Lamb, Esq., at 40 Worth Street, 6th Fl, New York, New York 10013; (b) in the amount of \$200,000.00 to "Arnold & Porter Kaye Scholer, LLP," and mailed to Plaintiffs' attorneys, Arnold & Porter Kaye Scholer, LLP, c/o Lori B. Leskin, Esq., at 250 West 55th Street, New York, NY 10019.

4. In consideration of the payment of the amount specified in paragraph "2," Plaintiffs and Legal Services NYC and Arnold & Porter Kaye Scholer, LLP, agree to the dismissal of all claims against Defendant, and to hereby release and discharge Defendant and the City of New York, and their successors and assigns, and all past and present officials, employees, departments, agencies, representatives, directors, and agents of the City of New York and Defendant from any and all liability, claims, and/or rights of action arising from or relating to any claims that Plaintiffs or Legal Services NYC or Arnold & Porter Kaye Scholer, LLP, may have for costs, expenses, and/or attorneys' fees incurred or accrued in connection the instant federal action, subject to the exception described in paragraph "1" above.

5. Upon execution of this Stipulation and Order, Plaintiffs, Legal Services NYC, and Arnold & Porter Kaye Scholer, LLP, shall each execute separate Releases based upon the terms of paragraphs "2" through "4" above, Legal Services NYC and Arnold & Porter Kaye Scholer, LLP, shall complete a substitute W-9 form, and Legal Services NYC and Arnold & Porter Kaye Scholer,

LLP, shall promptly provide these Releases and the substitute W-9 form to Defendant's undersigned counsel.

6. Payment of the amount specified in paragraph "2" is conditioned upon delivery of all documents reasonably necessary to effectuate this Stipulation and Order as described in paragraph "5".

7. Nothing contained herein shall be deemed to be an admission by Defendant that it has in any manner or way violated either Plaintiffs' rights or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules, or regulations of the United States, the State of New York, the City of New York, or Defendants, or any other rule, regulation, or bylaw of any department or subdivision of the City of New York or Defendants.

8. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or Defendants.

9. This Stipulation and Order shall not be admissible in, nor is it related to, any other litigation, proceeding, or settlement negotiation, except as may be necessary to enforce its terms.

10. This Stipulation and Order contains all of the terms and conditions agreed upon by the Parties, and no oral agreement entered into at any time, nor any written agreement entered into prior to the execution of this Stipulation and Order, regarding the subject matter of the instant proceeding shall be deemed to exist, to bind the Parties hereto, or to vary the terms and conditions contained herein.

11. Nothing contained herein shall be deemed to be an agreement or admission by Defendants or the City of New York as to the reasonableness of the number of hours billed or the hourly rates claimed by Plaintiffs' counsel.

12. This Stipulation and Order is final and binding on all Parties, as well as their successors and assigns.

13. This document may be executed in subparts, and, whether or not it is executed in subparts, a signature received by facsimile or electronic mail shall have the same force and effect as an original signature.

14. The parties agree that the Court may administratively close this matter and that such administrative closure will not alter the provisions of paragraph 77 of the Stipulation regarding the continuing jurisdiction of the Court, until the expiration of the Stipulation Period, i.e., August 31, 2024 (Stipulation ¶ 20, ECF No. 61).

Dated: New York, New York
September 28, 2022

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So Ordered: /s/ Sanket J. Bulsara, September 29, 2022
SANKET J. BULSARA
United States Magistrate Judge